



Cost-Effective Criminal Justice: A Survey of National Issues and Trends

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EXECUTIVE SUMMARY

This report is the Wisconsin Sentencing Commission’s first step toward fulfilling its statutory mandate to educate the legislature, state agencies, and the public about the costs and benefits of sentencing and corrections policy in Wisconsin. Using the published findings of researchers and practitioners in the field of criminology and criminal justice and best practices from states throughout the country, this report introduces some of the most critical issues surrounding the costs of sentencing and corrections policy. Our goal is to raise awareness about the diverse range of issues that Wisconsin will have to confront if it is to increase the cost-effectiveness of its criminal sentencing and corrections policies.

As criminal justice expenditures and the adult correctional population continue to increase, numerous parties—including justice personnel, legislators, scholars, and citizen groups—express concern over the long-term implications of these trends. While most parties demand a fair and effective system of crime and punishment, where criminals are held responsible for their actions, they also want a cost-effective system, where taxpayers are not burdened with funding ineffective programs that do little to reduce crime. Balancing these complex and often-conflicting goals is challenging, but this report attempts to show how past, present, and proposed ideas from scholars and practitioners alike can be used to inform conversations about controlling criminal justice costs through sentencing and corrections policy.

The first half of this report outlines the range of costs associated with crime, sentencing, and corrections. After introducing the idea that crime has a monetary value through a discussion of victimization costs, we then focus on some of the tangible costs that stem from incarceration in prisons and jails. Taking notice of the fact that healthcare expenditures are beginning to dominate some correctional systems’ budgets, we highlight two important trends in healthcare provision to institutionalized populations: the prevalence of contagious diseases and the health needs of elderly offenders.

State responses to rising correctional expenditures vary greatly; in the last section, we detail some of the ways states have chosen to cut costs—from closing facilities to cutting educational programs to limiting the amount of food offenders may receive. The second half of this report focuses on the effectiveness of various criminal justice interventions. Here, we use the “What Works?” literature to highlight some of the best, worst, and most promising practices in crime prevention and intervention programming. We also examine the efficacy of specific sanctions like community corrections

programs, drug courts, and inmate risk assessment. We find that while some of these programs enjoy significant popular and political support, evidence derived from evaluation studies does not always support their continued use.

Throughout this report, we continually introduce examples that reveal how other states and locales have attempted to deal with cost pressures, because we recognize that these issues are not unique to Wisconsin. This review is not comprehensive, but it should highlight some of the many issues confronting lawmakers and criminal justice personnel in the U.S. and hence serve as a tool to advance conversations about Wisconsin's own sentencing and corrections practices. In closing, we call for lawmakers, justice personnel, and the public to recognize that cost pressures are not going to go away, especially in light of increasingly punitive criminal justice policies and shrinking state budgets. Consequently, if we really want to do something about the high costs of crime and punishment, we will have to make sure we make policy decisions that move us toward meeting the dual goals of protecting public safety and saving public resources.

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STATEMENT OF PURPOSE

Sections 973.30(1)(d) and 973.30(1)(h) of the Wisconsin statutes charge the Wisconsin Sentencing Commission to “[p]rovide information to the legislature, state agencies, and the public regarding the costs to and other needs of the department that result from sentencing practices” and “[a]ssist the legislature in assessing the cost of enacting new or revising existing statutes affecting criminal sentencing.” In his charge to the Commission, Wisconsin Governor Jim Doyle urges the Commission to “take into account the overall costs and effectiveness of sentencing practices.” By using data collection and analysis, Governor Doyle expects that the Commission should be able to suggest ways to simultaneously protect public safety and reduce public expenditures. This report represents the Commission’s first attempt to fulfill its statutory duties and meet the Governor’s charge to assess the costs of sentencing policy in Wisconsin. Using the findings of researchers and practitioners in the fields of criminology and criminal justice and best practices from jurisdictions throughout the country, this report introduces some of the most critical issues surrounding the costs of sentencing policy. In later reports, we will examine the costs related to Wisconsin’s own sentencing policies specifically.

INTRODUCTION

The United States spent \$167 billion for police protection, corrections, and judicial and legal activities in 2001 (Bauer & Owens, 2004). This record figure represents a 366 percent increase from 1982 (165 percent in constant dollars). Federal, state, and local authorities shared the burden of criminal justice expenditures, but state governments financed the majority of correctional costs while local authorities had primary responsibility for policing costs (Bauer & Owens, 2004). The increase in criminal justice expenditures is directly related to the growing size of the adult correctional population. Analysts estimate that over 6.9 million persons were under adult correctional supervision at the end of 2003 (Glaze & Palla, 2004). This figure compares to 5.3 million persons in 1995, representing an average annual percent increase of 2.9 percent. Speculators warn that the increasing prominence of mandatory sentencing statutes and “Truth-in-Sentencing” laws, among other sentencing policy changes, will contribute further to rising correctional populations and expenditures (Mauer, 2002; 2004).

Numerous parties—including justice personnel, legislators, scholars, and citizen groups—express concern over the long-term implications of these trends. While most parties demand a fair and

effective system of crime and punishment, where criminals are held responsible for their actions, they also want a cost-effective system, where taxpayers are not burdened with funding ineffective programs. Balancing these complex and often-conflicting goals is challenging, but this report attempts to show how past, present, and proposed ideas from scholars and practitioners alike can be used to inform conversations about controlling criminal justice costs through sentencing policy. The first part of this report outlines the range of costs associated with crime and corrections, focusing primarily on those that stem from incarceration. The second part focuses on the effectiveness of various criminal justice interventions. Here, we highlight some of the best practices in the alternative to incarceration literature by examining the efficacy of alternative sanctions like community corrections programs, drug courts, and inmate risk assessment. Throughout this report, we continually introduce examples that reveal how other states and locales have attempted to deal with cost pressures, because we recognize that these issues are not unique to Wisconsin. This review is not comprehensive, but it should highlight some of the many issues confronting lawmakers and criminal justice personnel in the U.S. and hence serve as a tool to advance conversations about Wisconsin's own sentencing and corrections practices.

COSTS: CRIME, SENTENCING, & CORRECTIONS

The Cost of Crime

Crime exacts a high toll on every member of society, even those who have never been victimized. The threat or perception of crime creates social problems and social costs as significant and as costly as actual crimes. When people feel unsafe, they may modify their behavior in ways that make other activities more costly. For example, people and firms may hire personal security guards, install extensive security systems, or choose not to live in, frequent, or drive near certain areas. Each of these micro-level crime-deterrent actions adds to the comprehensive costs of crime control in the U.S., but they are rarely included in policy debates and other conversations about costs. Thus, we raise them here only to suggest that the costs presented in this report are far from comprehensive and should not be interpreted as such.

Estimating the monetary costs of various types of crime, to both victims and society as a whole, is a challenging and contentious exercise. Some people take issue with the idea that one could attach a

monetary cost to, for example, a rape, murder, or burglary. Instead, they argue that the cost of such crimes to a victim who experiences them is immeasurable. However, others argue that in the public policy environment, decision-makers need to be able to use a common metric to evaluate policy proposals; in American politics, dollar value is usually the most useful and readily available metric. One of the seminal analyses of crime victimization costs is that of Miller, Cohen, and Wiersema (1996). Using the results of the National Crime Victimization Survey (NCVS) and analysis of jury awards to crime victims, Miller et al. estimated four categories of personal costs to the victims of criminal violence. The categories include out-of-pocket expenses like property damage and medical costs, costs from lost wages and productivity, costs associated with psychological trauma, and finally costs related to pain, suffering, and a diminished quality of life (Miller et al., 1996; Macmillan, 2000). Table 1 shows their cost estimates for various types of crimes. Notice that for many crimes – rape, assault, and drunk driving among them, diminished quality of life is the largest category of total victimization costs, often as much as 60 to 90 percent (Macmillan, 2000). While some critics fault their use of jury awards as an accurate estimate of the cost of crime, researchers and practitioners in criminal justice consistently use their work, especially in studies utilizing cost-benefit analysis (CBA) to assess a program or policy’s cost-effectiveness.

Table 1: Commonly Used Victimization Costs by Crime

	Productivity	Medical Care/Ambulance	Mental Health Care	Police/Fire Services	Social/Victim Services	Property Loss/Damage	Subtotal: Tangible Losses	Quality of Life	Total
Fatal Crime									
Rape, Assault, etc.	\$1,000,000	\$16,300	\$4,800	\$1,300	\$0	\$120	\$1,030,000	\$1,910,000	\$2,940,000
Arson Deaths	724,000	17,600	4,800	1,900	0	21,600	770,000	1,970,000	2,740,000
DWI	1,150,000	18,300	4,800	740	0	9,700	1,180,000	1,995,000	3,180,000
Child Abuse	2,200	430	2,500	29	1,800	10	7,931	52,371	60,000
Sexual Abuse (incl. rape)	2,100	490	5,800	56	1,100	0	9,500	89,800	99,000
Physical Abuse	3,400	790	2,700	20	2,100	26	9,000	57,500	67,000
Emotional Abuse	900	0	2,700	20	2,100	0	5,700	21,100	27,000
Rape & Sexual Assault (excluding Child Abuse)	2,200	500	2,200	37	27	100	5,100	81,400	87,000
Other Assault or Attempt	950	425	76	60	16	26	1,550	7,800	9,400
NCVS with Injury	3,100	1,470	97	84	46	39	4,800	19,300	24,000
Age 0–11 with Injury	2,800	1,470	100	84	46	39	4,600	28,100	33,000
Non-NCVS Domestic	760	310	81	0	0	39	1,200	10,000	11,000
No Injury	70	0	65	69	9	15	200	1,700	2,000
Robbery or Attempt	950	370	66	130	25	750	2,300	5,700	8,000
With Injury	2,500	1,000	65	160	44	1,400	5,200	13,800	19,000
No Injury	75	0	66	110	15	400	700	1,300	2,000
Drunk Driving	2,800	1,400	82	40	?	1,600	6,000	11,900	18,000
With Injury	12,100	6,400	82	120	?	3,600	22,300	48,400	71,000
No Injury	170	0	82	17	0	1,000	1,300	1,400	2,700
Arson	1,750	1,100	18	1,000	?	15,500	19,500	18,000	37,500
With Injury	15,400	10,000	24	1,000	?	22,400	49,000	153,000	202,000
No Injury	8	0	18	1,000	0	14,600	16,000	500	16,000
Larceny or Attempt	8	0	6	80	1	270	370	0	370
Burglary or Attempt	12	0	5	130	5	970	1,100	300	1,400
Motor Vehicle Theft or Attempt	45	0	5	140	0	3,300	3,500	300	3,700
* Child Neglect	25	3	910	2	840	0	1,800	7,900	9,700

Note: These estimates are in 1993 dollars. Totals may not sum due to rounding.

Source: Miller, Cohen, and Wiersema, 1996. “Table 2: Losses per Criminal Victimization (including attempts)”

The Cost of Sentencing and Corrections

Many of the costs of current criminal justice policy in the United States are neither readily apparent nor easily monetized. In a chapter entitled, “Unintended Consequences,” Mark Mauer (1999) discusses what he views as commonly ignored consequences of mass incarceration. His discussion includes the displacement of criminal justice resources and public funds, disease proliferation and gender imbalance in poor and minority communities, weakened employment prospects for able-bodied workers, and criminal disenfranchisement among others. Numerous other researchers share Mauer’s insights (Roberts, 2004; Brown, 2004). Because of the absence of these issues from debates about incarceration, in his closing, Mauer warns that, “any calculation of the impact of imprisonment that fails to take into account both the short-term and long-term consequences of massive incarceration is a deeply flawed analysis” (1999, 187).

Despite Mauer and others’ admonitions, in conversations about criminal justice, specifically criminal sentencing policy, we generally limit our discussion of costs to tangible expenditures.

- How much does it cost, on average, to house an inmate in a state correctional facility?
- How are these costs distributed between physical infrastructure, staffing resources, healthcare, and other inmate needs?
- Do we expect these costs to rise in the future, and if so, by how much?
- How are lawmakers responding to the growing costs of corrections?

We find answers to these and many other questions in the research and policy experiences of scholars and various criminal justice practitioners.

Current State Expenditures

In fiscal year 2001, expenditures for the country’s state correctional system were \$38.2 billion; adult correctional facilities specifically accounted for \$29.5 billion (Stephan, 2004). Of this figure, daily operating expenses were \$28.4 billion, and capital outlays for land, new construction, and renovations totaled \$1.1 billion. Local labor and capital market conditions significantly impact the average cost of incarceration. Still, across the country, the average annual operating cost per state inmate in 2001 was \$22,650, or \$62.05 per day (Stephan, 2004).

The heading “operating expenses” encompasses a range of independent and collectively significant costs ranging from personnel salary and benefits to food and utility expenses to transportation and healthcare expenses. However, some of these costs exact greater tolls on correctional resources than others. For example, healthcare is one of the largest and fastest growing components of correctional expenditures.

Rising Healthcare Expenditures

In 2001, state prisons spent \$3.3 billion, or 12 percent of operating expenses, on medical care for their inmates (Stephan, 2004). Medical costs are second only to personnel expenses as the largest operational expenditure for the Iowa Prison System (Iowa Legislative Services Agency, 2004). Like other states, Iowa has seen particularly high costs related to drugs and biological medicines. In fact, annual spending increases for these goods have averaged 94 percent for each of the last ten years (Iowa Legislative Services Agency, 2004). Similarly, in California, healthcare costs account for nearly \$1 billion of the state’s \$6 billion prison system costs (Berthelson, 2004). Facing a budget deficit of nearly \$22 million, prison officials in Ohio asked the State Board for a 16 percent increase in the budget for inmate healthcare (Welsh-Huggins, 2005). The increased funding, which would come from the budgets of other prison programming, would cover pharmaceutical drug expenses (\$5.8 million), drugs to treat Hepatitis C outbreaks specifically (\$1.6 million), and increasing medical care costs in a contract with Ohio State University (\$14.2 million) (Welsh-Huggins, 2005; “Health costs behind bars,” 2005).

Most commentators recognize that inmates generally do not have the greatest physical and mental health upon arrival at state correctional institutions. In fact, some of the factors coupled with criminality, like poverty, untreated physical and mental disorders, homelessness, and drug and alcohol abuse, do not support a healthy lifestyle. Furthermore, some offenders arrive in prison with conditions that could have been prevented or treated easily; however, without proper medical attention, even benign ailments may require more sophisticated medical interventions.

Most officials recognize these trends. For instance, Reginald A. Wilkinson, past president of the American Correctional Association and Director of the Ohio Department of Rehabilitation and Correction, comments, “swelling prison populations include many drug-addicted, gang-involved and other violent offenders, inmates with a propensity to file lawsuits, and special populations that include

sex offenders, geriatric and other prisoners with significant health care requirements” (1997). Recognizing that a number of factors, including those Wilkinson lists, are driving healthcare expenditures upward, we focus next on healthcare issues of increasing importance to corrections officials and policymakers: contagious diseases among incarcerated persons and the health needs of aging offenders.

Contagious Diseases

The rate of contagious disease infection is especially high among incarcerated populations. Common infections include HIV/AIDS, various strains of hepatitis, and tuberculosis. In one of the most substantial surveys to date, Hammett, Harmon, and Maruschak (1999) report that the rate of confirmed AIDS cases among inmates in U.S. state prisons was nearly six times the rate of the general populace (0.54 percent versus 0.09 percent). In a recent follow up study, Maruschak (2004) estimates that the rate of confirmed AIDS cases in prison populations has fallen to 0.48 percent, while the rate among the general populace is over two-thirds less at 0.14 percent.

The prevalence of HIV infection among the incarcerated is more difficult to assess because only 19 states mandate HIV testing of inmates (Clemetson, 2004). Using data from the National Prisoner Statistics series, Maruschak (2004) finds that women incarcerated in state prisons are over 1.5 times more likely than their male counterparts to be HIV positive (3.0 percent versus 1.9 percent). This finding should be of special concern to lawmakers because the growth rate of women under correctional supervision has consistently outpaced that of men in recent years. For example, in a study of Rhode Island, where HIV testing is mandated for all sentenced offenders, researchers found 1.8 percent, 20.2 percent, and 23.1 percent of male inmates at a state processing center tested positive for HIV, hepatitis B virus, and hepatitis C virus respectively (Grace et al., 2004, 1218).

Finally, as a highly contagious airborne illness, tuberculosis (TB) is especially threatening in correctional environments where overcrowding can lead to increasing inmate populations occupying smaller physical spaces (U.S. Department of Health and Human Services, 1995). In one of the U.S.’s most notorious TB epidemics, a multi-drug-resistant strain of TB infected New York City in 1989. Epidemiologists traced 80 percent of the cases to jails and prisons (Farmer, 2002; Petersilia, 2001). By 1991, Rikers Island had one of the highest TB infection rates in the country, and New York State had to invest millions in treating and containing the disease after hundreds of prisoners died (Farmer, 2002;

Petersilia, 2001). Since the New York outbreak, corrections officials throughout the country have invested in means to prevent and control TB infections in their incarcerated populations.

Nevertheless, as the population of inmates with contagious diseases grows, corrections officials will have to spend more money to both treat and contain these illnesses. Consequently, in Massachusetts, for example, the Department of Corrections spends between 20 and 25 percent of its \$11 million medicine budget on AIDS drugs, which cost about \$10,000 per inmate annually (Stockman, 2003). Other locales have tried to take a more proactive approach to curb contagion by focusing on prisoner education and vaccination. In an attempt to combat the spread of hepatitis B, the Texas Department of Criminal Justice enacted a vaccination program in 2000. Although the program was relatively successful, as measured by the vaccination rates of its target populations, officials suspended the program in 2002 because of a lack of funding (Kelley et al., 2004). As incarcerated populations continue to grow, finding a way to control contagious disease transmission at a reasonable and sustainable cost will need to be at the forefront of correctional policy.

Aging Inmates

Much like the noninstitutionalized population, the U.S. prison population is growing older. Longer sentences, the aging “baby boomer” generation, and longer life expectancies all contribute to the trend. In sentencing and corrections, we generally consider a prisoner aged 50 or older “elderly,” because we recognize that the health condition of an imprisoned 50-year-old closely resembles that of someone ten years older in the noninstitutionalized population (Petersilia, 2001). Thus, from 1995 to 2003, the fastest growing age bracket of state and federal prisoners were those aged 55 and older (85 point percentage change), followed closely by the 45 to 54 age bracket (76.5 point percentage change) (Harrison and Beck, 2004). Although the elderly inmate population has been growing rapidly, elderly prisoners only account for 4.3 percent of the total inmate population of the nation’s federal and state prisons (Harrison and Beck, 2004). Researchers disagree about the future growth of elderly prison populations. Some estimates show that the number of elderly prisoners in some states will double in the near future (Auerhahn, 2002), while others suggest more modest estimates (Moody, 2002). Despite differences about the magnitude of growth, most researchers and policymakers recognize that elderly prison populations will continue to increase, which is cause for concern.

Aging inmates put additional pressures on correctional resources, often in the form of high healthcare costs. Some officials estimate that it costs three times more to incarcerate an elderly offender than a non-elderly offender (Florida Corrections Commission, 2001). In a national survey of prisoners, researchers learned that among state prisoners aged 45 or older, almost half (40 percent) reported having a medical problem; 16 percent had a problem that required surgery; and almost one-third (32 percent) required some other treatment (Maruschak & Beck, 2001). Comparatively, only 12 percent of those 24 or younger reported having a medical problem; only three percent required surgery; and 10 percent required other treatment (Maruschak & Beck, 2001).

Chronic health problems among older inmates include hypertension, diabetes, renal and kidney failure, various cancers, alcoholism, emphysema, and other costly end-of-life conditions. In 2003, the Michigan Department of Corrections spent about \$170 million on expensive but critical treatments like heart bypasses, chemotherapy, and daily kidney dialysis for its inmate population (Heinlein, 2003). Similarly, in Florida, medical expenses for elderly inmates are disproportionately burdensome. Despite making up only 8.5 percent of the state's inmate population, inmates over age 50 were responsible for 19 percent of the costs paid for ambulatory surgery episodes; 17 percent of costs for non-emergency room episodes; 31 percent of costs for ancillary care episodes; 20 percent of costs for specialty care episodes; and 29 percent of costs for inpatient care episodes (Florida Corrections Commission, 2001). While Florida's experience is considerably different from that of the average state, due to its artificially enlarged elderly population, the issues and problems it faces currently may reflect what other states could see in the future.

Current Policy Responses to Rising Correctional Costs

States facing budget shortfalls have responded to rising correctional costs in many ways. In a recent publication, Wilhelm and Turner (2002) report that 13 states responded to rising costs by either closing correctional facilities or reducing beds; 12 states either postponed or abandoned plans to open new facilities; 11 states eliminated corrections-related jobs; 18 states instituted hiring freezes; and numerous other states cut programming related to education, substance-abuse treatment, and vocational training. For example, Ohio responded by closing a correctional facility that housed nearly 1,800 inmates, postponing the opening of a minimum-security boot camp for substance abusers, and canceling plans to open more beds in halfway-houses. Illinois responded similarly by closing a 141-year-old correctional center for a projected savings of \$41 million and cutting the \$5.4 million higher education

budget in state prisons. Massachusetts closed three prisons and laid off 240 prison employees in an attempt to cut \$55 million in corrections costs (Wilhelm & Turner, 2002).

Nevertheless, most of the above policy actions can only achieve short-term budget savings. States can only close so many institutions, layoff so many personnel, and cut so many programs before they have to seek new options. One such strategy is sentencing policy reform, characterized by reducing sentences and repealing mandatory minimum sentences. In 2001 and 2002, 13 state legislatures made policy changes to existing sentencing laws. In Louisiana, where corrections spending increased 45 percent between 1994 and 1999, lawmakers passed legislation to remove mandatory sentences for some nonviolent offenses, reduce drug sentences by half, and limit the scope of the state's three-strikes law (Wilhelm & Turner, 2002). Some of the savings that these changes generate, estimated at \$60 million, will be used to fund diversion programs. Other states like Connecticut, Indiana, and North Dakota, repealed mandatory minimum sentences for some nonviolent offenses, while Alabama and New Mexico made habitual offender laws less stringent (Wilhelm & Turner, 2002).

Controlling the costs associated with current criminal justice and sentencing policies is a difficult and politically charged undertaking. The multiple goals of saving public resources, protecting public safety, and punishing offenders often conflict when one examines a proposed solution. A policy that maximizes public safety may not be economically sustainable. Consequently, conversations about controlling costs have to be examined within the context of effectiveness. Without such a context, policymakers could waste public resources on irrational or ineffective policies and programs. For example, how did officials in Ohio know that a boot camp for substance abusers would not be more effective than a traditional rehabilitation program in a prison or jail? How did officials in Illinois know that cutting higher education programs would not lead to higher recidivism rates among released offenders? We will not know the outcomes of these two policy decisions for some time; however, the rapidly growing literature on criminal behavior and effective criminal justice interventions can offer some insight into what to expect from both these and other criminal justice and sentencing policies.

EFFECTIVE CRIMINAL JUSTICE INTERVENTIONS

In conversations about criminal justice alternatives, criminal justice officials and policymakers have to balance the goals of programmatic effectiveness and cost containment. Most people recognize the importance of protecting public safety by reducing victimization. However, in the budget environment

many states currently face, financial pressures may limit their ability to target resources to relatively expensive programs – even if evidence shows they are more cost-effective in the long-term.

What Works?

Given the high cost of crime evinced by victimization costs and the growing costs of correctional programming, one would expect that we would know how to control crime by now. We would know which programs work best for which types of offenders and which offenders we cannot rehabilitate with existing programs. Unfortunately, this is not true. Criminal justice is not a precise science. Anecdotal evidence may substantiate some policy decisions about sentencing and corrections, but many claims are unsubstantiated upon large-scale application. Despite the limited amount of funding targeted at criminal justice program evaluations, criminal justice researchers have made substantial progress toward building a literature about effective crime prevention and criminal rehabilitation programs.

In one of the most substantive and rigorous evaluations of crime prevention programs, researchers from the University of Maryland’s Department of Criminology and Criminal Justice used a National Institute of Justice grant to categorize existing crime prevention programs into those that work, those that do not work, and those that offer some promise (Sherman et al., 1997). Their research methodology represents some of the best work in program evaluation, and their findings have informed criminal justice policy throughout the U.S. Table 2 presents their findings specifically in the area of what criminal justice agencies can do after an offender has committed an offense. Notice that incarceration is still seen as effective for some offenders, but drug treatment and tailored rehabilitation programs are also effective crime deterrents.

We chose to focus on what criminal justice institutions can do because it has the greatest relevance to sentencing policy. However, the “What Works?” literature also characterizes the efficacy of crime prevention programs in communities, families, schools, labor markets, places, and by police. The programs they evaluate range in scope and focus from early childhood education programs to adult literacy programs to neighborhood patrols (Sherman et al., 1997).

Table 2: The Effectiveness of Various Criminal Justice Interventions¹

What Works?	What Doesn't Work?	What's Promising?
<ul style="list-style-type: none"> • Incarceration of offenders who will continue to commit crimes • Rehabilitation programs for adult and juvenile offenders that tailor treatment to individual risk factors • Drug treatment in prison-based therapeutic communities 	<ul style="list-style-type: none"> • Correctional boot camps that use militaristic basic training model • "Scared Straight" programs that show juvenile offenders conditions inside maximum security prisons • Shock probation, shock parole, and split sentence • Home detention with electronic monitoring • Intensive supervision on parole or probation (ISP) • Rehabilitation programs using counseling that is not tailored to each offender's risk factors • Residential programs for juvenile offenders in rural or wilderness settings 	<ul style="list-style-type: none"> • Drug courts that mandate and monitor both rehabilitation and drug treatment • Drug treatment in jails followed by urinalysis in the community • Intensive supervision and after-care of juvenile status offenders • Intensive supervision and after-care of serious juvenile offenders • Combining fines for criminal acts with other penalties

In a follow-up publication, Doris MacKenzie (2000), one of the original Maryland researchers, calls for renewed efforts at enacting what she terms "evidence-based corrections." Drawing on her earlier research with the University of Maryland study, she adds cognitive behavioral therapy, non-prison-based treatment programs for sex offenders, vocational education programs offered in prisons or residential settings, multicomponent correctional industry programs, and community employment programs to her list of effective criminal justice programs (MacKenzie, 2000, 465-466). She then urges

¹ Sherman et al., (1998). p. 6-12.

policymakers to use these proven-effective programs to guide criminal justice and corrections policy decisions.

Despite the richness of the Maryland report, some researchers contend that we must take care not to overemphasize their findings (Weisburd, Lum, & Yang, 2003). Many people are uncomfortable with declaring that a program does not work. Even Sherman et al. (1997) note that they often based the distinction between a program that held some promise and one that did not work at all on methodological minutiae of the studies they evaluated rather than the specific details of the program. Consequently, people should not act so quickly to abandon programs on the “doesn’t work” list, because these programs may actually be effective and simply need a more rigorous evaluation.

Since Sherman et al.’s report to Congress was published in 1997, numerous other evaluations of crime prevention programs have taken place in the U.S. While the rigor of these evaluations varies, each contributes to the burgeoning knowledge of effective crime prevention programs. Noting the increased media and professional attention given to these programs, we focus on community corrections, drug courts, and criminal risk assessment.

Community Corrections

By Nancy Marion’s (2002) framework, the first goal of community-based criminal justice programs is to “reduce recidivism and to protect the public from further harm by criminal acts;” the second goal of community corrections is to save money (493). Supporters generally contend that community-based alternatives to prisons, like probation and parole, detention and diversion centers, boot camps, drug courts, and alcohol and other drug treatment programs, are generally more effective and less expensive over the long run than traditional jail and prison sentences. However, critics often claim that these methods are ineffective and any benefits they may produce dissipate because offenders often re-offend after release. A wealth of literature exists to buttress the arguments of these competing perspectives.

- In a study of juvenile offenders released from a Massachusetts residential treatment center between 1976 and 1995, McMackin, Tansi, and LaFratta (2004) find for all offenders, a program stay of over 11 months was associated with reduced future recidivism. Even for chronic juvenile offenders, who comprised 59 percent of the sample, those placed in the

program for 11 months or more recidivated at a lower rate than those in the program for less time.

- In Marion's (2002) study of five community-based alternatives in an unnamed Midwestern state, recidivism rates for offenders who successfully complete a program in a community-based correctional facility (CBCF) or halfway house are similar to those of imprisoned offenders (about 30 percent). In work release, day reporting, and home incarceration programs, offenders who successfully completed the programs have lower rates of re-imprisonment than do those who were incarcerated. However, Marion warns that these rates may reflect the nature of the offender more than the attributes of the program. From a cost perspective, Marion finds that alternatives to prison are generally cheaper than traditional correctional facilities when one considers both cost per day and average length of stay. Still, because recidivism rates in some of these programs were so high, the state could pay twice for one offender—once while the offender completes an alternative program and again when she is punished for a subsequent offense.

Probation and Parole

Probation and parole—two of the most well known community corrections sanctions—warrant special attention. Despite their predominance, these two sanctions have been under increasing attack over the last decade. In fact, many members of the public increasingly associate probation and parole with leniency for serious criminals (Lurigio, 2001). Consequently, as public officials increasingly target correctional spending on incarceration and “truth in sentencing” laws lessen the substantive role of state parole boards, the future of probation and parole is uncertain.

Nevertheless, the number of offenders sentenced to probation and released to parole has increased consistently over the last decade. Whereas previously it was only an option for misdemeanants or first-time offenders, probation has become the most commonly used sentence in criminal justice (Worrall, Schram, Hays, & Newman, 2004). From 1995 to 2003, the number of adults on probation and parole increased 32.4 percent and 14 percent respectively (Glaze & Palla, 2004). At yearend 2003, over four million adults were on probation and nearly 800,000 had been paroled (Glaze & Palla, 2004). Research suggests that probation and parole are relatively low-cost alternatives to traditional criminal justice sanctions (Worrall et al., 2004).

- Whereas jail and prison terms average nearly \$30,000 annually, supervision of a probationer for one year cost about \$584 (Worrall et al., 2004).
- The Georgia Department of Corrections (2004) reports that standard probation supervision averages \$1.43 per probationer per day (\$523 annually); alternatively, intensive probation supervision averages \$3.46 per probationer per day (\$1,262 annually).

Probation also offers municipalities the opportunity to collect fees and restitution from offenders.

- In Pima County, Arizona, probationers must pay a monthly fee of at least \$50; the fee helps defray probation costs (Arizona Superior Court in Pima County, n.d.).
- In 1999, the Suffolk County Probation Department of New York collected over \$870,000 in administrative fees from offenders and over \$1 million in restitution for crime victims (Suffolk County Government, n.d.).
- Offenders in Florida paid over \$36 million in restitution to crime victims, and probationers performed nearly 700,000 hours of community service for nonprofit agencies in their communities (Florida Department of Corrections, 2004).

The backlash against probation and parole generally revolves around their questionable efficacy. Increasingly large caseload sizes among corrections officers and limited or cursory contact between officers and offenders help create the public perception that most people released to community supervision go on to commit future crimes. Research enlightens the debate surrounding probation and parole.

- The vast majority (80 percent) of U.S. parolees are supervised on “regular” probation instead of intensive probation. In general, this means less than two 15-minute in person contacts with a probation officer per month (Petersilia, 1999).
- Using macro-level data from California, researchers found a statistically significant positive relationship between probation caseload sizes and county-level property crime rates, meaning that as caseload sizes per officer increase, so too does a county’s property crime rate (Worrall et al., 2004).

- A 1985 study by RAND shows that 65 percent of felons on probation in California were rearrested while serving their community sentences (Petersilia, Turner, Kahan, & Peterson, 1985).
- Petersilia's (2001) research suggests that two-thirds of parolees will be rearrested within three years of their release.
- Nearly 80,000 offenders entered Texas prisons in fiscal year 2004; almost 25,000 were probation violators, and just over 11,000 were parole violators. However, most (40 percent) of the state's revocations were for technical violations rather than new crimes (Elliott, Murphy, and Rasking, 2005).

Walter Dickey and Michael Smith (2000) present five possible directions for the future of community corrections in the U.S. They suggest that the five potential futures of community corrections are: "muddling along, principled minimalism, enforcing court orders, community justice, and advancing public safety" (Dickey and Smith, 2000, 9). After exploring each of these options, which range in breadth from "more of the same" to a dramatic reconceptualization of the role of parole and probation, the authors conclude that the future of community corrections rests on the ability of the field to clarify its objectives, engage in innovative community-centered approaches, increase public safety, and secure resources.

Drug Abuse Treatment and Drug Courts

As drug use and drug-related crimes have become more burdensome to society in general and U.S. correctional facilities specifically over the past two decades, lawmakers and criminal justice officials have attempted to use innovative solutions to combat increasing populations of nonviolent drug offenders and drug-addicted violent offenders in prisons and jails. As such, specialized drug courts, which focus on treatment and monitoring, have become increasingly popular policy responses. All 50 states, major Native American Tribal Courts, the District of Columbia, Guam, Puerto Rico, and two U.S. Federal Courts have functional adult drug court programs, totaling nearly 700 courts as of June 2001 (SEARCH, The National Consortium for Justice Information and Statistics, 2003). Over 400 more drug courts are in the planning stages. However, research published to date presents moderate results about their effectiveness.

- In one of the most commonly cited studies about the effectiveness of drug treatment, researchers at RAND Corporation use multiple and robust mathematical models to find that “a million dollars spent extending sentences to mandatory minimum lengths would reduce cocaine consumption less than would a million dollars spent on the pre-mandatory-minimum mix of arrests, prosecution, and sentencing. Neither would reduce cocaine consumption or cocaine-related crime as much as spending a million dollars treating heavy users” (Caulkins, Rydell, Schwabe, & Chiesa, 1997).
- In 2002, analysts at the Washington State Institute for Public Policy issued an evaluation of criminal recidivism rates and a cost-benefit analysis of six of the state’s drug courts that operated in the late 1990s (Aos & Barnoski, 2003b). Five of the drug courts reduced recidivism rates by 13 percent, a figure that matches the national average; the sixth court, however, failed to significantly reduce recidivism rates. A cost-benefit analysis of the five successful drug courts concludes that while total court-related costs for drug courts are significantly higher than those of regular criminal courts, (\$7,633 versus \$1,717), drug courts still produce an overall net benefit to taxpayers of \$2,888 per drug court participant (Aos & Barnoski, 2003b).
- Using a sample of 2,020 graduates from 95 drug courts throughout the country, researchers at the Urban Institute and Caliber Associates find that 16.4 percent of drug court graduates had been arrested and charged with a serious offense² within one year of graduation; 27.5 percent of graduates reoffended within two years (Roman, Townsend, & Bhati, 2003).
- In a three-year evaluation of juvenile drug courts in Maricopa County, Arizona, Rodriguez and Webb (2004) compare juveniles assigned to drug court to those assigned to standard probation. Their findings reveal that while drug court participants are less likely to commit another act of delinquency or test positive for marijuana use than their counterparts on probation, they are more likely to test positive for cocaine use. Demographic background, family stability, school attendance, and prior criminal record were all predictors of drug courts’ effectiveness. Finally, the authors found that most juvenile drug court participants did not successfully complete the program. Only 30 percent graduated from the program, while 44 percent of drug court releases were immediately institutionalized or placed in the adult court system.

² Researchers defined a serious offense as a crime that, if convicted, carries a sentence of at least one year.

Criminal Risk Assessment

Criminal risk assessment has grown increasingly popular as those involved with criminal justice try to find ways to control the growing costs of corrections. Corrections officials have been using informal forms of criminal risk assessment for years. In general, risk assessment is a component of every state's penal code. Offenders who commit more violent crimes or have extensive criminal histories generally face stiffer penalties than first-time offenders or those who commit nonviolent crimes. However, as a formal concept, risk assessment involves assessing an offender's probability of committing another crime, and deterring those offenders with a low risk of further endangering public safety to alternative correctional interventions. As a tool, it is relatively new and thus has not been subjected to as much evaluation as other cost-containment methods. However, some states, like Virginia and Washington, have implemented and evaluated criminal risk assessment with relative success.

Virginia Criminal Sentencing Commission's (VCSC) Risk Assessment Tool

The Virginia Criminal Sentencing Commission (VCSC) developed what independent evaluators have labeled an effective risk assessment instrument for identifying good candidates for diversion among nonviolent offenders. In a three-part evaluation of a three-year pilot test, researchers find that the VCSC's instrument is successful at predicting recidivism rates among eligible³ larceny, fraud, and drug offenders in six of Virginia's judicial circuits (Ostrom, Kleiman, Cheesman, Hansen, and Kauder, 2002). Whereas most offenders would have been sentenced to incarceration under Virginia's current sentencing guidelines, an acceptable score on the risk assessment instrument gave judges the option to recommend a diversion program for some of them. The VCSC risk assessment instrument focused on four major areas: "offender characteristics and demographics, current offense information, prior adult criminal record, and prior juvenile contact with legal authorities" (Ostrom et al., 2002, 1). From these broad areas, eleven specific factors appeared on a risk assessment worksheet with suggested point values. The instrument recommended diversion programs only to offenders who scored nine points or less.

In a follow-up study, the VCSC (2003) used data from offenders throughout the state to refine the risk assessment instrument. The VCSC then implemented the refined instrument statewide in July 2002.

³ Offenders with any current or prior convictions for violent felonies and those who sell an ounce of more of cocaine are not eligible for offender risk assessment.

Under the refined instrument's guidelines, offenders who scored 35 points or less out of a maximum 67 points were recommended for diversion. A cost-benefit analysis included in the evaluation estimated net benefits of \$1.2 million; had the risk assessment been in effect statewide, the Commonwealth of Virginia could have realized net benefits of between \$2.9 and \$3.6 million. However, the bulk of the benefits accrued to the Commonwealth, while localities faced a net cost of \$1.7 million, most of which stemmed from the costs of diversion programs.

The results of Virginia's risk assessment instrument have important implications for the state's sentencing policy and criminal justice system.

- The VCSC has a legislative mandate to divert at least 25 percent of nonviolent offenders from incarceration in a state prison facility to some other type of punishment. This mandate directly affects the type of threshold the VCSC can set to divert nonviolent offenders. Setting the threshold too low could lead to fewer offenders who are eligible for diversion; on the other hand, setting the threshold too high could endanger public safety as "riskier" offenders would not be imprisoned.
- In both iterations of the risk assessment instruments, demographic data or "offender characteristics" played a dominant role in each offender's risk assessment score. For example, an offender who is male, younger than 30 at the time of offense, not regularly employed, and at least 26 years of age and never married already scores nine points on the earlier instrument and 36 points on the current assessment tool. Consequently, these offenders are already ineligible for diversion without any assessment of their offense. In creating the criteria for evaluation and their suggested point values, Virginia officials claim to have used scientifically based probabilities about offender recidivism, but some critics question whether demographic data should play so prominent a role.
- Virginia's risk assessment tool is purely voluntary. Judges may follow the recommendation of the risk assessment worksheet, or they may retain the option to sentence offenders by the existing sentencing guidelines. Should judges decide to follow the guidelines of the risk assessment, they maintain the discretion to decide which non-prison sanction will work best for a given offender. The most common alternative sanctions involve some combination of supervised probation (80.6 percent), shorter

incarceration (46.9 percent), or indefinite probation (21.7 percent) among other options (VCSC, 2003).

Washington State Offender Accountability Act (OAA)

The Washington State Legislature enacted the Offender Accountability Act (OAA) in 1999. The goal of the OAA is to “reduce the risk of re-offending by offenders in the community” (Barnoski & Aos, 2003a, 1). The OAA has a three-part implementation strategy. The law directs the Washington State Department of Corrections (DOC) to (1) classify felony offenders by their risk of future offending and the level of societal harm committed in the past, (2) dedicate more community resources to higher-risk offenders and devote fewer resources to lower-risk offenders, and (3) sanction offenders who violate conditions of community custody (Barnoski & Aos, 2003a, 1). The Washington DOC’s risk assessment instrument, the “Level of Service Inventory-Revised (LSI-R),” has 54 questions, which are grouped into 10 categories: “prior criminal history; education and employment/ finances; family situation; living situation; leisure and recreation activities; associates; alcohol and drug problems; emotional or personal problems; and offender’s attitude” (Barnoski & Aos, 2003a, 2).

Researchers at the Washington State Institute for Public Policy investigated how well the state’s chosen risk assessment instrument could predict recidivism rates in a sample of 22,533 offenders in Washington (Barnoski & Aos, 2003a). They came to four conclusions. First, the LSI-R performs moderately well at predicting recidivism. Estimated equations show that a one-point increase in the LSI-R score increases the predicted felony and misdemeanor recidivism rate by 1.5 percentage points, the felony recidivism rate by 1.1 percentage points, and the violent felony recidivism rate by 0.3 percentage points. Second, officials could improve the predictive power of the LSI-R by modifying or omitting some of the variables currently included in the assessment tool because of their limited predictive power. Third, the state could improve offender risk assessment by modifying the LSI-R so it could distinguish between violent and non-violent felony recidivism. Finally, analysis reveals that there is no obvious risk score threshold for which to distinguish between different offender risk levels. Consequently, the decision to specify a threshold is likely to be more political than scientific. The Washington State Institute for Public Policy will release soon an updated report tracking the recidivism rates of those sentenced under the OAA.

CONCLUSION

In closing, this preliminary report has attempted to raise the specter on a number of issues currently facing or soon to be facing state criminal justice officials throughout the United States. Specifically, we examined the variety of costs associated with crime prevention and control including victimization costs, opportunity costs, and tangible correctional costs like healthcare. Our goal was not to be comprehensive but rather to highlight and provoke thought. We live in a society where crime is ubiquitous, and despite all the work of criminologists, corrections officials, judges, and other interested parties, we have yet to solve the problems of crime and punishment. Nevertheless, we have made tremendous program towards our many goals of protecting public safety, punishing existing offenders, and diverting future criminality. The “What Works?” literature coupled with the subsequent work on community corrections, drug courts, and criminal risk assessment demonstrates that we are learning how to do some things well.

However, in contemplating next steps for Wisconsin, we must face the political reality of crime, punishment, and policy. Like many states, Wisconsin has a large diverse infrastructure of traditional jails and prisons. These institutions differ in many ways, but combined with the state’s laws and criminal sentencing structure, they each function to meet some combination of specified and unspecified goals. Unfortunately, some people are starting to demand more of the criminal justice system in Wisconsin. They no longer want to see prisons and jails swelling with offenders who serve long terms and return to their communities to wreak further havoc. Communities have started demanding restitution, restorative justice, and rehabilitation. They want drug offenders to leave correctional institutions free of drugs. They want able-bodied workers to return to society with marketable job skills. In sum, people are demanding more “value-added” from correctional interventions, and these demands modify, if not completely overhaul, the existing goal structure and performance measures of traditional sanctions.

In light of these demands, many people have turned to alternative sanctions like those outlined above—community-based correctional facilities, drug courts, and criminal risk assessment, as ways to add greater value to correctional interventions. The problem with this focus on alternative sanctions is two-fold: (1) the literature on what works in criminal sentencing is premature and (2) alternative sanctions require resources and a commitment to long-term success. In sentencing, the stakes are very

high. When a judge sentences an offender to an alternative sanction, she or he needs to know that that program is well-staffed, well-coordinated, and proven effective. A judge cannot have serious doubts about a program's efficacy, because a mistake could lead to further threats to public safety, and no one wants to live with the burden of knowing that a crime could have avoided.

In closing, if Wisconsin is genuinely concerned with rising correctional costs, the state will have to take some action. Analysts already predict that as more persons enter the correctional system, Wisconsin's Truth-in-Sentencing laws could end up costing Wisconsin taxpayers over \$50 million annually by 2010; cumulative costs could be as high as \$576 million by 2014 (Zahn and Barton, 2004). Nevertheless, the direction of change is unclear. While some, most recently including Wisconsin Governor Jim Doyle, are strong advocates of alternative sanction programs—especially for nonviolent alcohol and drug offenders, others place greater emphasis on traditional channels of crime and punishment with decidedly fewer risks to public safety, like more prisons and jails and longer sentences. Regardless of the direction chosen, state lawmakers and other officials will have to stay focused on cost-effectiveness, because the stakes are too high to squander resources.

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